

PATENT

Arty. Dkt. No. MRKS/0132

**REMARKS**

This is intended as a full and complete response to the Final Office Action dated February 1, 2006, having a shortened statutory period for response set to expire on May 1, 2006. Please reconsider the claims pending in the application for reasons discussed below.

Claims 1-12 remain pending in the application after entry of this response. Claim 7 has been amended. No new matter has been added by the amendment.

Claims 1-4, 7, 9, and 10 stand rejected under 35 USC § 102(b) a being anticipated by *Patel* (U.S. Pat. No. 6,302,216). Applicant respectfully traverses the rejection. *Patel* does not teach, suggest, or disclose either "transmitting the pressure of downhole working fluid to the hydraulic fluid of the control system," as recited in claim 1 or "a dividing piston arranged to be influenced by pressure of downhole working fluid and transmit pressure through hydraulic fluid to the pressure relief valves," as recited in claim 7. *Patel* discloses a control system using a single control fluid (nitrogen) carried in a control line 52A from the surface. The control line 52A is in fluid communication with upper chambers 234,278 of pistons 237,283. However, the pistons are not dividing pistons because the upper chambers are in communication with respective lower chambers 250,288 via gas meters 236,282. These gas meters are necessary because *Patel* does not employ spring returns or dual control lines. Further, since the chambers are not separate, then it cannot be said that *Patel* uses a working fluid and a hydraulic fluid. Therefore, claims 1, 7, and their dependents are not anticipated by *Patel*.

Claims 5, 6, 8, 11, and 12 stand rejected under 35 USC § 103(a) a being unpatentable over *Patel* in view of *Kilgore* (U.S. Pat. No. 6,651,749). Applicant respectfully traverses the rejection. There is no motivation to combine *Patel* and *Kilgore* and each reference teaches away from the other. *Kilgore* teaches using tubing pressure to actuate tools (i.e. packers) which require high setting forces using a booster to overcome safety limits of the surface equipment and/or production tubing. *Patel* teaches a system for actuating isolation valves which do not require high setting forces. Further, a control line from the surface is not subject to the same safety constraints as wellbore tubing. *Patel* also teaches it is desirable to use a control line from the surface

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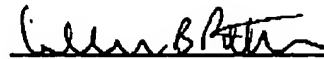
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because controlling tubing pressure during production is not feasible (col. 2, lines 27-30); whereas, *Kilgore* touts use of tubing pressure to eliminate the need for control lines (col. 1, 56-60; also repeated in Abstract). Therefore, combination of the references is improper. Withdrawal of the rejection is respectfully requested.

The secondary references made of record are noted. However, it is believed that the secondary references are no more pertinent to the Applicant's disclosure than the primary references cited in the Final Office Action. Therefore, Applicant believes that a detailed discussion of the secondary references is not necessary for a full and complete response to this Final Office Action.

In conclusion, the references cited by the Examiner, alone or in combination, do not teach, show, or suggest the invention as claimed. Having addressed all issues set out in the Final Office Action, Applicant respectfully submits that the claims are in condition for allowance and respectfully request that the claims be allowed.

Respectfully submitted,



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